

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO.: Civ. 8287(KMK)

KENNETH SAMUELS,

Plaintiff,

vs.

COMMISSIONER BRIAN FISCHER, et al,

Defendants.

Septmeber 25, 2018

10:25 a.m.

Deposition of TIMOTHY BELLINGER, held at the
offices of Emery, Celli, Brinckerhoff & Abady, LLP,
600 Fifth Avenue, New York, New York, pursuant to
Notice, before Danielle Grant, a Notary Public of the
State of New York.

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1 Timothy Bellinger

2 Q Have you ever been convicted of
3 any crime?

4 A No.

5 Q Have you ever been arrested?

6 A No.

7 Q Have you ever been disciplined by
8 the Department of Corrections?

9 A Yes.

10 Q When was --

11 A I'm trying to figure what that
12 mean, but yes, I'm trying to figure out what you
13 mean by that.

14 Q Well, when you said "yes," what
15 were you thinking of?

16 A Tardiness.

17 Q You were disciplined for being
18 tardy?

19 A Yes.

20 Q And you had to pay a fine in
21 connection with that?

22 A Yes.

23 Q How much did you have to pay?

24 A Not sure, but I had to pay.

25 Q Did you pay the amount of the

1 Timothy Bellinger

2 fine?

3 A Yes.

4 Q Did the department allege that
5 you were tardy to work on a number of occasions?

6 A Repeat that again.

7 Q Sure. The Department of
8 Corrections disciplined you because you were
9 late to work on a number of occasions; is that
10 correct?

11 A Yes.

12 Q Why were you late to work so many
13 times?

14 A No -- I didn't have a car. I had
15 to rely on Metro North.

16 Q Have you ever received Workers'
17 Compensation?

18 A Yes.

19 Q How many times have you received
20 Workers' Compensation?

21 A Not sure of the numbers, but I
22 received Workers' Compensation.

23 Q Okay. You received Workers'
24 Compensation in connection with this incident
25 where Mr. Samuel is involved, correct?

1 Timothy Bellinger

2 A Yes.

3 Q Have you received Workers'
4 Compensation on any other occasion involving a
5 different injury than the one in this lawsuit?

6 A Yes.

7 Q When was the last time that you
8 received Workers' Compensation?

9 A That was this year.

10 Q When you say "this year," do you
11 mean 2018?

12 A Yes.

13 Q How were you injured this year?

14 A Doing training.

15 Q What was your injury?

16 A Eye injury.

17 Q How did you injure your eye while
18 you were doing training?

19 A This was a chemical that they
20 spray for the officers for training.

21 Q And it was sprayed into your eye?

22 A It was sprayed for our facial
23 area.

24 Q And how was your eye injured?

25 A It was abrasion of the cornea.

1 Timothy Bellinger

2 Q How many days of work did you
3 miss?

4 A Let me see, it was about --
5 around two months.

6 Q Which months of 2018 would that
7 have been?

8 A Yes.

9 Q I'm sorry. Which months of 2018?

10 A I'm not sure exactly what month,
11 but it's on my job status when I was out. I
12 don't have it with me.

13 Q Well, it's September now, right?

14 A Um-hmm.

15 Q You have to say yes or no,
16 please.

17 A Yes.

18 Q It's because the court reporter,
19 if we say um-hmm, she cannot record that.

20 So given that it's September now,
21 were you out over the summer?

22 A Yes.

23 Q Were you out in June of 2018?

24 A I'm not sure.

25 Q So sometime in the summer of

1 Timothy Bellinger

2 2018, you were out of work for two months due to
3 an injury to your cornea; is that correct?

4 A Yes.

5 Q Did you receive treatment from a
6 doctor for this injury?

7 A Yes.

8 Q Which doctors did you see for
9 this injury?

10 A This was in Ossining, Phelps.

11 Q P-H-E-L-P-S?

12 A Yes.

13 Q Who was Dr. Phelps?

14 A No, that that's the name of the
15 hospital.

16 Q Oh, I'm sorry. So you went to
17 Phelps Hospital?

18 A Yes.

19 Q Okay. Any other medical care
20 that you received for this injury?

21 A Yes.

22 Q Where was that?

23 A This was Ear and Eye on 14th
24 Street in Manhattan.

25 Q Did you see your primary care

1 Timothy Bellinger

2 doctor in connection with this?

3 A No.

4 Q Is your primary doctor still Dr.
5 Walters?

6 A No.

7 Q Okay. Do you have a current
8 primary care doctor?

9 A Yes.

10 Q Who is that person?

11 A That's Dr. Vlattas.

12 Q Could you spell that, sir?

13 A It's V-L-A-T-T-A-S.

14 Q Where does Dr. Vlattas practice?

15 A That's on Pelham Bay. That's on
16 Westchester Avenue and Pelham Bay.

17 Q In the Bronx?

18 A Yes.

19 Q So did a medical professional
20 certify to the Workers' Compensation Board that
21 you needed to be out of work for two months?

22 A Repeat that again.

23 Q Did you submit an application to
24 the Workers' Compensation Board to receive
25 Workers' Compensation for the two months that

1 Timothy Bellinger

2 you were out this summer?

3 A Yes.

4 Q Did you have medical
5 documentation of your injury?

6 A Yes.

7 Q Who provided that medical
8 documentation?

9 A That would be Ear and Eye on 14th
10 Street. That was the one.

11 Q Did you see any other doctors in
12 connection with this incident, other than the
13 Eye and Ear Infirmary and Phelps Hospital?

14 A No.

15 Q Do you know the name of the
16 doctor that you saw at the Eye and Ear
17 infirmary?

18 A I don't remember the name. Don't
19 have the documentation with me.

20 Q Okay. Did you have a lawyer in
21 connection with your Workers' Compensation
22 claim?

23 A Yes.

24 Q What is the name of your lawyer?

25 A I can't remember the name, but I

1 Timothy Bellinger

2 have the documentation.

3 Q Is it Attorney Rosado?

4 A No.

5 Q It's a new attorney?

6 A Yes.

7 Q How did you find your attorney
8 for this matter?

9 A In the Chief newspaper.

10 Q Why did you need an attorney for
11 this matter?

12 A Everybody recommend, you know, to
13 have an attorney.

14 Q When you say "everybody," do you
15 mean your co-workers at Sing Sing?

16 A Yes.

17 Q What did the attorney do for you?

18 A He worked on my case.

19 Q Did you have to pay him out of
20 your award?

21 A Yes.

22 Q Did you get a lump sum payment?

23 A Yes.

24 Q How much did you receive?

25 A It was 48,000 and change.

1 Timothy Bellinger

2 Q So you got a \$48,000 payment?

3 When did you receive that?

4 A Not sure of the day. Not sure of
5 the day.

6 Q Can you tell me the month that
7 you received that payment?

8 A Not sure of the month.

9 Q Okay. So you did identify that
10 the injury occurred sometime -- withdrawn.

11 You testified that you were out
12 of work for two months in the summer of 2018 as
13 a result of this eye injury, correct?

14 A For the two months, I'm not sure
15 exactly the timeframe of two months. It could
16 be more. So that one is, like, not sure due to
17 I don't have the documentation.

18 Q Okay. Which documents would help
19 you be more certain about when you were out of
20 work?

21 A The documents I have at home.

22 Q Which are what?

23 A Saying my C3 -- C3 forms.

24 Q Okay. So going back to the
25 \$48,000 payment, that was a payment that you

1 Timothy Bellinger

2 received from your Workers' Compensation claim
3 for your 2018 eye injury; is that correct?

4 A No.

5 Q Oh, okay. Can you clarify
6 please? What is that payment for?

7 A That was for another Workers'
8 Comp.

9 Q Okay. So let's stick with the
10 one that we're just discussing. In 2018, you
11 testified that you had an injury to your eye
12 while you were training and you had a corneal
13 abrasion; is that correct?

14 A Yes.

15 Q And you saw doctors at Phelps
16 Hospital and the Eye and Ear infirmary, correct?

17 A Yes.

18 Q Did you receive a lump sum
19 payment for that injury?

20 A No.

21 Q Did you continue to be paid as
22 though you were working while you were out of
23 work?

24 A Yes.

25 Q So there was no interruption in

1 Timothy Bellinger

2 your compensation, Correct?

3 A Yes, it was.

4 Q There was an interruption?

5 A Yes.

6 Q Okay. How long were you not paid
7 for?

8 A I would say maybe two pay
9 periods.

10 Q For the injury to your cornea
11 from the 2018 training incident, did you have an
12 attorney?

13 A Yes.

14 Q And you were granted Workers'
15 Compensation for that period; is that correct?

16 A Correct.

17 Q And the Workers' Compensation you
18 received was not a lump sum payment; is that
19 correct?

20 A Can you repeat that again?

21 Q Sure. For the most recent
22 Workers' Compensation claim, you did not receive
23 a lump sum payment; is that correct?

24 A Correct.

25 Q You simply received your normal

1 Timothy Bellinger

2 salary while you were out of work; is that
3 correct?

4 A Correct.

5 Q Okay. So when was -- before
6 2018, before this corneal abrasion accident,
7 when was the next -- when was the most recent
8 time that you received Workers' Compensation?

9 A I had one that was dealing with a
10 hand injury, a foot injury, and a knee injury.

11 Q Are those three separate ones or
12 one incident?

13 A That was one incident.

14 Q So you had another Workers'
15 Compensation case where you had injured your
16 hand, foot and knee; is that correct?

17 A Correct.

18 Q How did you injure your hand,
19 foot and knee?

20 A That was when I walking down the
21 stairs and there was a substance on the steps.

22 Q Did it cause you to slip?

23 A Yes.

24 Q And did you fall down?

25 A Yes.

1 Timothy Bellinger

2 Q And you injured your hand, foot
3 and knee?

4 A Yes.

5 Q What year did that incident take
6 place?

7 A That one, I can't remember on
8 that year.

9 Q Okay. So just to give you a
10 reference point, the incident with Mr. Samuels
11 occurred in 2010. Did the incident where you
12 injured your hand, foot and knee take place
13 after the incident with Mr. Samuels?

14 A Yes.

15 Q So sometime between 2018 and
16 2010?

17 A Yes.

18 Q But you can't say with any
19 greater specificity if it was closer to 2010 or
20 closer to 2018?

21 A It wasn't -- I can't say.

22 Q You can't place it in any greater
23 degree of specificity in that eight-year period?

24 A No.

25 Q Okay. So what was the injury

1 Timothy Bellinger

2 that you sustained in connection with falling on
3 the stairs?

4 A There was my -- it was my right
5 foot, my knee, my hand. And they also checked,
6 for precaution, my head, for precaution.

7 Q Okay. And how long were you out
8 of work for that incident?

9 A Not sure, due to I don't have my
10 documentations.

11 Q Okay. Was it a period of months?

12 A Yes.

13 Q Was it more than a year?

14 A No.

15 Q Okay. Was it more than one
16 month?

17 A Yes.

18 Q More than two months?

19 A Yes.

20 Q More than three months?

21 A Yes.

22 Q More than four months?

23 A That one, I'm not sure.

24 Q So for this incident where you
25 fell down the stairs, you were out of work on

1 Timothy Bellinger

2 Workers' Compensation for at least three months;
3 is that correct?

4 A I don't know if it's correct
5 because I'm just saying that I'm not sure of the
6 months. I don't have my documentation.

7 Q I understand. So when you fell
8 down the stairs, did you -- and you hurt
9 yourself; is that correct?

10 A Yes.

11 Q And you applied for Workers'
12 Compensation?

13 A Yes.

14 Q And was that application granted?

15 A Yes.

16 Q And did you receive a lump sum
17 payment?

18 A That one -- that one, I can't
19 recall on that one.

20 Q Were you paid during the months
21 that you were out of work after you fell down
22 the stairs?

23 A Yes.

24 Q And is it your understanding that
25 you were receiving Workers' Compensation?

1 Timothy Bellinger

2 unknown date. Are there any other times where
3 you ever have injured yourself at work and
4 received Workers' Compensation, other than the
5 two that we've discussed?

6 A I'm not sure when you mean
7 "injured." I'm not sure what you mean by
8 "injured."

9 Q Okay, so are there any times
10 other than the corneal abrasion incident and
11 when you fell down the stairs that you applied
12 for Workers' Compensation?

13 A Yes.

14 Q Okay. What was -- what was the
15 injury that was the basis of the application?

16 A There was an altercation.

17 Q Okay. And was that the
18 altercation with Mr. Samuels?

19 A No.

20 Q Okay. A different altercation.
21 Who was that inmate involved in that
22 altercation?

23 A I don't remember the inmate.

24 Q What year did that occur?

25 A Not sure of the year.

1 Timothy Bellinger

2 Q Was it before or after the
3 incident with Mr. Samuels?

4 A That would be after.

5 Q Okay. And how were you injured
6 in that incident?

7 A From the inmate. From the inmate
8 assault.

9 Q What did the inmate -- how were
10 you hurt?

11 A I was hurt by subduing the
12 inmate, you know, and I got hurt when it -- when
13 we came down to, on the ground.

14 Q What part of your body did you
15 hurt?

16 A That one I'm not sure. I need to
17 see my documentations.

18 Q Do you have documentation of that
19 at home?

20 A I'm not sure I have it at home,
21 but it would be with the job and the attorney.

22 Q Who was your attorney in that
23 case?

24 A That one, I'm not sure.

25 Q How long were you out of work

1 Timothy Bellinger

2 when you had this altercation with the inmate
3 and you injured yourself taking -- subduing the
4 inmate?

5 MR. STABILE: Object to form.

6 Q How long did you have to miss
7 work for following this injury from subduing the
8 inmate?

9 A I don't remember.

10 Q Okay. Was it a month?

11 A When you say -- say it again.

12 Q Were you out of work for one
13 month at least?

14 A Yes.

15 Q Were you out of work for two
16 months?

17 A Yes.

18 Q Were you out of work for three
19 months?

20 A Not sure.

21 Q Okay. So, and you can't tell me
22 with any greater specificity how you were
23 injured? Did you hurt your hand, your foot,
24 your face, your ear?

25 MR. STABILE: Object to form.

1 Timothy Bellinger

2 A I don't remember.

3 Q But you remember applying for
4 Workers' Compensation for an incident where you
5 injured yourself subduing an inmate; is that
6 correct?

7 A Can you say that again.

8 MS. ROSENFELD: Can you read the
9 question back, please.

10 (The requested portion of the record was
11 read back.)

12 A Yes.

13 Q But you can't recall how you
14 injured yourself; is that correct?

15 A That's correct.

16 Q And you can't recall the name of
17 your attorney; is that correct?

18 A That's correct.

19 Q Do you -- did you have to get
20 medical care?

21 A Yes.

22 Q Who was your doctor?

23 A Don't remember. Don't remember.

24 Q Did you receive a lump sum
25 payment for that injury?

1 Timothy Bellinger

2 A Don't remember.

3 Q Okay. Going back to the incident
4 where you fell down the stairs and injured
5 yourself on the foot, hand and knee. Who was
6 your doctor for that incident?

7 A I don't remember.

8 Q Did you see Dr. Walters?

9 A Not sure.

10 Q Is it possible that you saw Dr.
11 Walters?

12 A Not sure.

13 Q Well, listen to my question. Is
14 it possible that you saw Dr. Walters?

15 A Not sure.

16 Q So you don't have any memory of
17 who your doctors were for when you injured
18 yourself falling down the stairs; is that
19 correct?

20 A That's correct.

21 Q So now we have four incidents
22 where you applied for Workers' Compensation due
23 to a workplace injury. In 2018, when you had a
24 corneal abrasion from training, the incident
25 where you fell down the stairs because you

1 Timothy Bellinger

2 slipped, the incident where you had an
3 altercation with an unknown inmate when you were
4 subduing that person, and we know for
5 Mr. Samuels. Are there any other times that you
6 have applied for Workers' Compensation while you
7 were employed at Sing Sing?

8 A I can't remember any. I don't --
9 I'm not sure.

10 Q Okay. As you sit here today, do
11 any other incidents come to mind?

12 A No.

13 Q Okay. Can you recall the name of
14 any lawyer that ever represented you in a
15 Workers' Compensation proceeding?

16 A No.

17 Q You have had two lawyers for
18 these proceedings; is that correct?

19 A Yes.

20 Q Did the lawyers you use represent
21 other corrections officers?

22 MR. STABILE: Object to form. Go
23 ahead.

24 A Can you say that again?

25 Q Sure. Did the officers --